

Doc 101: APPEAL REQ

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) <i>ALPINE.0404US</i>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>June 24, 2007</u> Signature <u><i>Yasuo Muramatsu</i></u> Typed or printed name <u>Yasuo Muramatsu</u>		Application Number <u>10/782,167</u>	Filed <u>02/19/2004</u>
		First Named Inventor <u>Tatsuo Yokota</u>	
		Art Unit <u>2164</u>	Examiner <u>Rezwanaul Mahmood</u>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the		<u><i>Yasuo Muramatsu</i></u> Signature	
<input type="checkbox"/> applicant/inventor.		<u>Yasuo Muramatsu</u> Typed or printed name	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		<u>949-753-1127</u> Telephone number	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>38,684</u>		<u>06/24/2007</u> Date	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Tatsuo Yokota et al. ) Group Art Unit 2164  
Serial No. : 10/782,167 )  
Filed : February 19, 2004 )  
For : GUEST DATA MANAGEMENT )  
METHOD AND APPARATUS FOR )  
NAVIGATION SYSTEM )  
Examiner : Rezwanul Mahmood )

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ARGUMENTS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Hon. Commissioner  
of Patents and Trademarks  
Alexandria, VA 22313-1450

Dear Sir:

In response to the office action dated February 23, 2007, the applicant requests review of the legal and factual basis of the final rejection in the above-identified patent application. This review being requested because of clear errors in the examiner's rejections and the examiner's omission of essential elements need for a prima facie rejection. This request is accompanied by a Notice of Appeal submitted concurrently herewith.

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REMARKS

Claims 1-16 are pending where Claims 1 and 9 are independent. In the final office action, the examiner rejected all of the claims on the basis of the identical rejections as in the previous office action dated July 13, 2007. The most recent listing of claims is provided in the applicant's response dated November 13, 2006.

In short, the gist of the instant invention is a guest data management method and apparatus for a navigation system in which the navigation system includes the guest database specifically designed to store the information regarding the guest, the destination where the guest traveled with the user in the past, etc. Unlike the data management method in the conventional navigation system in which the information concerning the previous destinations of the user is stored in the database for later use, one of the unique aspects of the present invention is to store the information on the guests rather than the user to easily find the best way to entertain the guest.

In response to the office action dated July 13, 2006, the applicant has amended Claims 1 and 9 to clarify that (1) the guest database stores at least information on names of guests and destinations associated with the guests, (2) the information in the guest database is created by the user, and (3) the user is a person who uses the navigation system and the guest is a person who is entertained and went to the destination with the user. The distinction between the user and the guest in the above feature (3)

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was necessary because the examiner ignores that the information stored in the database is directed to the guests and also ignores the difference between the user and the guests.

Notwithstanding this response, the final office action dated February 23, 2007 repeats the previous rejection with no substantive changes in the explanation of the rejection. The examiner failed to show any prima facie evidence that supports the rejection under 35 U.S.C. 102(b). In fact, none of the cited references show, either explicitly or inherently, the claimed element that the database stores the "names of the guests and destinations associated with the guests". In the final office action, at page 4, item 7, the examiner states that the cited Brunts reference shows the system which "has information on one of the plurality memory cards or one of the category or directly created by the user in a memory card, the user can edit the information on names of guests and on destinations associated with the guests."

Namely, the examiner's logic is that since the cited Brunts reference shows a memory card, a user can create the database of the present invention by editing the information in the memory card which may be names of guests, etc. In reality, the cited Brunts reference does not show anywhere the idea of storing the information on the "name of the quests" and the "destinations associated with the guests" in the database, which are essential to the present invention. Thus, there is a clear error in the

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examiner's rejection and the examiner's omission of essential elements need for a prima facie rejection.

In conclusion, in view of the arguments presented in the response dated November 13, 2006 and the supplemental arguments presented herein, the applicant submits that the final office action dated February 23, 2007 fails to set forth prima facie rejections for the claims of the present invention. Accordingly, the applicant respectfully request a finding that the application is allowed on the existing claims.

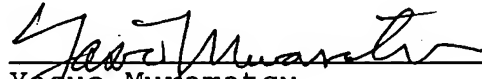
Respectfully submitted,

MURAMATSU & ASSOCIATES

Dated: \_\_\_\_\_

6/25/07

By: \_\_\_\_\_



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